

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 2

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Max Coll

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY  
STATE AGENCIES AND DISTRIBUTIONS FOR PUBLIC EDUCATION REQUIRED  
BY LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"General Appropriation Act of 2003".

Section 2. DEFINITIONS.--As used in the General  
Appropriation Act of 2003:

A. "agency" means an office, department, agency,  
institution, board, bureau, commission, court, district  
attorney, council or committee of state government;

B. "expenditures" means costs, expenses,  
encumbrances and other financing uses, other than refunds  
authorized by law, recognized in accordance with generally

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = deleted

1 accepted accounting principles for the legally authorized  
2 budget amounts and budget period;

3 C. "federal funds" means any payments by the United  
4 States government to state government or agencies, except those  
5 payments made in accordance with the federal Mineral Lands  
6 Leasing Act;

7 D. "general fund" means that fund created by  
8 Section 6-4-2 NMSA 1978 and includes federal Mineral Lands  
9 Leasing Act receipts, but excludes the general fund operating  
10 reserve and the appropriation contingency fund;

11 E. "interagency transfers" means revenue, other  
12 than internal service funds, legally transferred from one  
13 agency to another;

14 F. "internal service funds" means:

15 (1) revenue transferred to an agency for the  
16 financing of goods or services to another agency on a cost-  
17 reimbursement basis; and

18 (2) unencumbered balances in agency internal  
19 service fund accounts appropriated by the General Appropriation  
20 Act of 2003;

21 G. "other state funds" means:

22 (1) unencumbered, nonreverting balances in  
23 agency accounts, other than in internal service fund accounts,  
24 appropriated by the General Appropriation Act of 2003;

25 (2) all revenue available to agencies from

underscored material = new  
[bracketed material] = delete

1 sources other than the general fund, internal service funds,  
2 interagency transfers and federal funds; and

3 (3) all revenue, the use of which is  
4 restricted by statute or agreement; and

5 H. "revenue" means all money received by an agency  
6 from sources external to that agency, net of refunds and other  
7 correcting transactions, other than from issue of debt,  
8 liquidation of investments or as agent or trustee for other  
9 governmental entities or private persons.

10 Section 3. GENERAL PROVISIONS. --

11 A. For fiscal year 2004, appropriations are made as  
12 set out in Section 4 of the General Appropriation Act of 2003  
13 from the general fund, internal service funds and operating  
14 transfers or other revenues as indicated to state agencies  
15 named or for the purposes expressed, or so much thereof as may  
16 be necessary, within available revenue and unencumbered  
17 balances.

18 B. Unencumbered balances in agency accounts  
19 remaining at the end of fiscal year 2004 shall revert to the  
20 general fund by October 1, 2004, unless otherwise indicated in  
21 the General Appropriation Act of 2003 or otherwise provided by  
22 law.

23 C. The state budget division of the department of  
24 finance and administration shall monitor revenue received by  
25 agencies from sources other than the general fund and shall

underscored material = new  
[bracketed material] = delete

1 reduce the operating budget of any agency whose revenue from  
2 such sources is not meeting projections.

3 D. Except as otherwise specifically stated in the  
4 General Appropriation Act of 2003, appropriations are made in  
5 that act for the expenditures of agencies and for other  
6 purposes as required by existing law for fiscal year 2004. If  
7 any other act of the first session of the forty-sixth  
8 legislature changes existing law with regard to the name or  
9 responsibilities of an agency or the name or purpose of a fund  
10 or distribution, the appropriation made in the General  
11 Appropriation Act of 2003 shall be transferred from the agency,  
12 fund or distribution to which an appropriation has been made as  
13 required by existing law to the appropriate agency, fund or  
14 distribution provided by the new law.

15 E. Pursuant to Sections 6-3-23 through 6-3-25 NMSA  
16 1978, the state budget division may approve budget increases  
17 for fiscal year 2004 for agencies whose revenue from federal  
18 funds, from state board of finance loans, from revenue  
19 appropriated by other acts of the legislature or from gifts,  
20 donations, bequests, insurance settlements, refunds or payments  
21 into revolving funds exceeds specifically appropriated amounts.  
22 Such money is appropriated. In approving a budget increase  
23 from federal funds, the director of the state budget division  
24 shall advise the legislative finance committee as to the source  
25 of the federal funds and the source and amount of any matching

. 143325. 1

underscored material = new  
[bracketed material] = delete

1 funds required.

2 F. The state budget division may approve increases  
3 in budgets for state agencies whose revenue from other state  
4 funds, internal service funds and operating transfers exceeds  
5 amounts specified in the General Appropriation Act of 2003.  
6 Such other state funds, internal service funds and operating  
7 transfers are hereby appropriated.

8 G. When approving operating budgets based on  
9 appropriations in the General Appropriation Act of 2003, the  
10 state budget division is specifically authorized to approve  
11 only those budgets that are in accordance with generally  
12 accepted accounting principles for the purpose of properly  
13 classifying other financing sources and uses, including  
14 interfund, intrafund and interagency transfers. The state  
15 budget division may approve transfers of funds from one budget  
16 category to another budget category and from one division of an  
17 agency to another division/program of that agency, when  
18 approved operating budgets are established to include category  
19 and division/program levels.

20 H. Laws 2002 (1st E. S.), Chapter 4, Section 4 is  
21 repealed effective July 1, 2003.

22 Section 4. FISCAL YEAR 2004 APPROPRIATIONS. --

23 A. LEGISLATIVE. -- Fourteen million two hundred  
24 eighty-five thousand five hundred dollars (\$14,285,500) is  
25 appropriated from the general fund to the legislative council

. 143325. 1

underscored material = new  
[bracketed material] = delete

1 service for allocation to legislative agencies in fiscal year  
2 2004.

3 B. JUDICIAL. -- One hundred thirty-two million three  
4 hundred forty thousand six hundred dollars (\$132,340,600) from  
5 the general fund, ten million one hundred eight thousand one  
6 hundred dollars (\$10,108,100) from other revenue, six million  
7 six hundred ninety-nine thousand two hundred dollars  
8 (\$6,699,200) from internal service funds/operating transfers,  
9 eight hundred seventy-six thousand three hundred dollars  
10 (\$876,300) from fund balances and five million ninety-five  
11 thousand two hundred dollars (\$5,095,200) from federal funds is  
12 appropriated to the administrative office of the courts for  
13 allocation to judicial agencies in fiscal year 2004.

14 C. GENERAL CONTROL. -- One hundred thirty-four  
15 million seven hundred sixty-six thousand seven hundred dollars  
16 (\$134,766,700) from the general fund, four hundred thirty-eight  
17 million six hundred twenty-four thousand nine hundred dollars  
18 (\$438,624,900) from other revenue, two hundred sixty-four  
19 million seven hundred six thousand one hundred dollars  
20 (\$264,706,100) from internal service funds/operating transfers,  
21 forty-six million eight hundred one thousand one hundred  
22 dollars (\$46,801,100) from fund balances and twenty-two million  
23 seven hundred eighty-eight thousand six hundred dollars  
24 (\$22,788,600) from federal funds is appropriated to the  
25 department of finance and administration for allocation to

. 143325. 1

underscored material = new  
[bracketed material] = delete

1 general control agencies in fiscal year 2004.

2 D. COMMERCE AND INDUSTRY. --Forty-five million one  
3 hundred eighty thousand three hundred dollars (\$45, 180, 300)  
4 from the general fund, eight million two hundred sixty-six  
5 thousand two hundred dollars (\$8, 266, 200) from other revenue,  
6 twenty-three million eight hundred seven thousand nine hundred  
7 dollars (\$23, 807, 900) from internal service funds/operating  
8 transfers, thirteen million four hundred sixty-three thousand  
9 seven hundred dollars (\$13, 463, 700) from fund balances and six  
10 hundred sixteen thousand three hundred dollars (\$616, 300) from  
11 federal funds is appropriated to the department of finance and  
12 administration for allocation to commerce and industry agencies  
13 in fiscal year 2004.

14 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES. --  
15 Fifty-seven million four hundred twenty thousand nine hundred  
16 dollars (\$57, 420, 900) from the general fund, thirty-eight  
17 million two hundred sixty-four thousand four hundred dollars  
18 (\$38, 264, 400) from other revenue, thirty-nine million one  
19 hundred one thousand five hundred dollars (\$39, 101, 500) from  
20 internal service funds/operating transfers, ten million three  
21 hundred thirty thousand nine hundred dollars (\$10, 330, 900) in  
22 fund balances and twenty million two hundred twenty thousand  
23 seven hundred dollars (\$20, 220, 700) from federal funds is  
24 appropriated to the department of finance and administration  
25 for allocation to agriculture, energy and natural resource

. 143325. 1

underscored material = new  
[bracketed material] = del ete

1 agencies in fiscal year 2004.

2 F. HEALTH AND HUMAN SERVICES. -- Eight hundred  
3 ninety-eight million two hundred twenty-three thousand dollars  
4 (\$898, 223, 000) from the general fund, one hundred nine million  
5 one hundred seven thousand six hundred dollars (\$109, 107, 600)  
6 from other revenue, two hundred fourteen million three hundred  
7 ninety-one thousand two hundred dollars (\$214, 391, 200) from  
8 internal service funds/operating transfers, thirteen million  
9 four hundred six thousand two hundred dollars (\$13, 406, 200)  
10 from fund balances and two billion two hundred ninety-four  
11 million three hundred fifty thousand six hundred dollars  
12 (\$2, 294, 350, 600) from federal funds is appropriated to the  
13 department of finance and administration for allocation to  
14 health and human services agencies in fiscal year 2004.

15 G. PUBLIC SAFETY. -- Two hundred seventy-seven  
16 million five hundred fifty-two thousand four hundred dollars  
17 (\$277, 552, 400) from the general fund, twelve million two  
18 hundred sixty-three thousand eight hundred dollars  
19 (\$12, 263, 800) from other revenue, seventeen million six hundred  
20 fifty-four thousand five hundred dollars (\$17, 654, 500) from  
21 internal service funds/operating transfers, one million four  
22 hundred fifty-eight thousand six hundred dollars (\$1, 458, 600)  
23 from fund balances and twenty-three million one hundred twenty  
24 thousand one hundred dollars (\$23, 120, 100) from federal funds  
25 is appropriated to the department of finance and administration

. 143325. 1

1 for allocation to public safety agencies in fiscal year 2004.

2 H. TRANSPORTATION. -- Three hundred twenty-four  
3 million nine hundred sixty-nine thousand six hundred dollars  
4 (\$324,969,600) from other revenue, seven million seven hundred  
5 seventy-seven thousand eight hundred dollars (\$7,777,800) from  
6 fund balances and three hundred three million two hundred  
7 sixty-seven thousand seven hundred dollars (\$303,267,700) from  
8 federal funds is appropriated to the department of finance and  
9 administration for allocation to transportation agencies in  
10 fiscal year 2004.

11 I. OTHER EDUCATION. -- Nineteen million seventy-nine  
12 thousand nine hundred dollars (\$19,079,900) from the general  
13 fund, sixteen million six hundred seventeen thousand two  
14 hundred dollars (\$16,617,200) from other revenue, three million  
15 five hundred seven thousand five hundred dollars (\$3,507,500)  
16 from internal service funds/operating transfers and twelve  
17 million nine hundred thirty-six thousand eight hundred dollars  
18 (\$12,936,800) from federal funds is appropriated to the  
19 department of finance and administration for allocation to  
20 other education agencies in fiscal year 2004.

21 J. HIGHER EDUCATION. -- Six hundred six million two  
22 hundred seventy-two thousand eight hundred dollars  
23 (\$606,272,800) from the general fund, eight hundred fifty-four  
24 million six hundred ten thousand nine hundred dollars  
25 (\$854,610,900) from other revenue, fifty-two million nine

. 143325. 1

underscored material = new  
[bracketed material] = delete

1 hundred ninety-seven thousand four hundred dollars  
2 (\$52,997,400) from internal service funds/operating transfers,  
3 six hundred nine thousand three hundred dollars (\$609,300) from  
4 fund balances and four hundred thirty-four million eight  
5 hundred twenty-nine thousand three hundred dollars  
6 (\$434,829,300) from federal funds is appropriated to the  
7 commission on higher education for expenditure or allocation to  
8 higher education agencies in fiscal year 2004.

9 K. PUBLIC SCHOOL SUPPORT. -- One billion eight  
10 hundred thirty-one million one hundred sixty-five thousand six  
11 hundred dollars (\$1,831,165,600) from the general fund is  
12 appropriated to the state department of public education for  
13 expenditure or allocation to public school districts in fiscal  
14 year 2004.

15 Section 5. SPECIAL APPROPRIATIONS. -- Thirteen million nine  
16 hundred seventy-seven thousand dollars (\$13,977,000) from the  
17 general fund and eight million six hundred thirty-nine thousand  
18 seven hundred dollars (\$8,639,700) from other revenue is  
19 appropriated to the department of finance and administration  
20 for allocation to agencies in fiscal years 2003 and 2004. The  
21 appropriations may be expended in fiscal years 2003 and 2004.  
22 Unexpended or unencumbered balances of the appropriations  
23 remaining at the end of fiscal year 2004 shall revert to the  
24 appropriate fund.

25 Section 6. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS. --

underscored material = new  
[bracketed material] = delete

1 Twenty-six million two hundred twenty-four thousand dollars  
2 (\$26,224,000) from the general fund and seventy-three million  
3 nine hundred thirty-four thousand one hundred dollars  
4 (\$73,934,100) from other revenue is appropriated to the  
5 department of finance and administration for allocation to  
6 agencies in fiscal year 2003 for fiscal year 2002 deficiencies.  
7 Thirty-three million nine hundred fifteen thousand dollars  
8 (\$33,915,000) from the general fund and one hundred fifty-one  
9 million three hundred thirty-six thousand eight hundred dollars  
10 (\$151,336,800) from other revenue is appropriated to the  
11 department of finance and administration for allocation to  
12 agencies in fiscal year 2003. Unexpended or unencumbered  
13 balances of the appropriations remaining at the end of fiscal  
14 year 2003 shall revert to the appropriate fund.

15 Section 7. COMPUTER SYSTEMS ENHANCEMENT FUND. -- Twelve  
16 million seven hundred fifty thousand dollars (\$12,750,000) from  
17 the general fund, two million five hundred thousand dollars  
18 (\$2,500,000) from other revenue and eighteen million five  
19 hundred fifty-two thousand seven hundred dollars (\$18,552,700)  
20 from federal funds is appropriated to the computer systems  
21 enhancement fund for expenditure in fiscal years 2003 and 2004.  
22 The department of finance and administration shall allocate  
23 amounts from the fund to state agencies for information  
24 technology purposes. The appropriations may be expended in  
25 fiscal years 2003 and 2004. Unexpended or unencumbered

. 143325. 1

underscored material = new  
[bracketed material] = delete

1 balances of the appropriations remaining at the end of fiscal  
2 year 2004 shall revert to the appropriate fund.

3 Section 8. ADDITIONAL FISCAL YEAR 2003 BUDGET ADJUSTMENT  
4 AUTHORITY. -- During fiscal year 2003, subject to review and  
5 approval by the department of finance and administration, in  
6 addition to the budget adjustment authority granted in Laws  
7 2003 (1st E. S.), Chapter 4, Section 9 and pursuant to Sections  
8 6-3-23 through 6-3-25 NMSA 1978:

9 A. all legislative, judicial and executive agencies  
10 may request category transfers;

11 B. all legislative, judicial and executive agencies  
12 may request program transfers; and

13 C. all legislative, judicial and executive agencies  
14 with revenues from sources other than the general fund may  
15 request increases from those sources.

16 Section 9. CERTAIN FISCAL YEAR 2004 BUDGET ADJUSTMENTS  
17 AUTHORIZED. --

18 A. As used in the General Appropriation Act of  
19 2003:

20 (1) "budget category" means an item or an  
21 aggregation of related items that represents the object of an  
22 appropriation. Appropriations are made in lump sum for fiscal  
23 year 2004;

24 (2) "budget increase" means an approved  
25 increase in expenditures by an agency from a specific source;

underscored material = new  
[bracketed material] = delete

1 (3) "division/program transfer" means an  
2 approved transfer of funds from one division/program of an  
3 agency to another division/program of that agency, provided  
4 that the annual cumulative effect of division transfers shall  
5 not increase or decrease the appropriation to any division by  
6 more than seven and one-half percent; and

7 (4) "federal funds" means any payments by the  
8 United States government to state government or agencies except  
9 those payments made in accordance with the federal Mineral  
10 Lands Leasing Act and except those payments made in accordance  
11 with the federal temporary assistance for needy families block  
12 grant and the federal Workforce Investment Act of 1998.

13 B. Budget adjustments are authorized pursuant to  
14 Sections 6-3-23 through 6-3-25 NMSA 1978 for fiscal year 2004.

15 Section 10. GENERAL FUND OPERATING RESERVE--  
16 CONTINGENCY.--Five hundred thousand dollars (\$500,000) is  
17 appropriated from the general fund operating reserve to the  
18 state board of finance emergency fund in fiscal year 2004 for  
19 unanticipated emergencies.

20 Section 11. TRANSFER AUTHORITY.--If revenues and  
21 transfers to the general fund, excluding transfers to the  
22 general fund operating reserve, appropriation contingency fund  
23 and public school state-support reserve fund as of the end of  
24 fiscal year 2003 are not sufficient to meet appropriations, the  
25 governor, with state board of finance approval, may transfer

1 the amount necessary to meet the year's obligations from the  
2 unencumbered balance remaining in the general fund operating  
3 reserve in a total not to exceed, one hundred thirty million  
4 dollars (\$130,000,000).

5 Section 12. SEVERABILITY. --If any part or application of  
6 this act is held invalid, the remainder or its application to  
7 other situations or persons shall not be affected.

underscored material = new  
[bracketed material] = delete